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1970

# c 487 Warble Fly Control Act

Ontario

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## CHAPTER 487

## The Warble Fly Control Act

**1.** In this Act,

Interpretation

- (a) "cattle owner" means any person owning or keeping one or more head of cattle, and includes any person in charge of premises where cattle are kept;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "inspector" means an inspector appointed under this Act and includes the chief inspector;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "municipality" means a city, town, village or township;
- (f) "regulations" means the regulations made under this Act;
- (g) "treated for warble fly" means treated by a method prescribed in the regulations;
- (h) "warble fly" means the insect known as *Hypoderma Bovis* or *Hypoderma Lineatum*. R.S.O. 1960, c. 422, s. 1; 1970, c. 16, s. 1.

**2.—**(1) Upon receipt of a petition that bears the signatures of more than two-thirds of the cattle owners in the municipality, the council thereof at its next meeting shall pass a by-law requiring all the cattle within the municipality to be treated for warble fly.

Petition and by-law

(2) Where a by-law passed under this Act has been in force for a period of at least three consecutive years and the council receives a petition that bears the signatures of at least one-third of the cattle owners in the municipality requesting that the by-law be repealed, the council at its next meeting may repeal the by-law.

Repeal of by-law

(3) The clerk of the municipality shall send a certified copy of any by-law passed under subsection 1 or 2 to the Commissioner within seven days after it is passed. R.S.O. 1960, c. 422, s. 2.

Copy to be sent to Commissioner

**3.—**(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and for the treatment of cattle for warble fly, may purchase in such amounts as may be required such ingredients as may be designated in the regulations, and may purchase or otherwise

Appointment of inspectors; purchase of supplies

acquire such equipment as it considers necessary. R.S.O. 1960, c. 422, s. 3 (1); 1970, c. 16, s. 2.

Departmental  
inspectors

(2) The Minister may appoint a chief inspector and one or more inspectors whose duties shall be to carry out the provisions of this Act and the regulations.

Evidence of  
appointment

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the clerk of the municipality or by the Minister, as the case may be, shall be accepted as *prima facie* evidence of his appointment under this Act.

Power to  
enter  
premises

(4) In the performance of his duties under this Act an inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may inspect all cattle on the premises for warble fly grubs. R.S.O. 1960, c. 422, s. 3 (2-4).

Duty of  
cattle owners

**4.**—(1) Where the council of a municipality has passed a by-law under this Act, every cattle owner in the municipality shall treat or make available his cattle for treatment for warble fly in accordance with the regulations, and make available for inspection any cattle on his premises. R.S.O. 1960, c. 422, s. 4 (1).

Power of  
inspectors  
to treat  
for warble  
fly

(2) Where an inspector, during such periods in any year as may be prescribed in the regulations, finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly. R.S.O. 1960, c. 422, s. 4 (2); 1970, c. 16, s. 3 (1).

Cost of  
treatment  
for warble  
fly

(3) Where an inspector treats cattle or causes cattle to be treated for warble fly, the cattle owner is liable for the cost of the treatment, and such cost is payable on demand and is recoverable in any court of competent jurisdiction. 1970, c. 16, s. 3 (2).

Payment to  
inspector

(4) The council of a municipality or the Minister, as the case may be, may authorize an inspector to accept payment from a cattle owner for the cost of treatment of his cattle and to give a receipt therefor. R.S.O. 1960, c. 422, s. 4 (4).

Bringing  
cattle into  
municipality

**5.** Where a cattle owner brings or receives cattle into a municipality during the period within which treatments for warble fly are required in any year, production of a certificate of treatment of the cattle for warble fly issued by any inspector shall be accepted as evidence of treatment. R.S.O. 1960, c. 422, s. 5.

Offences

**6.** Every cattle owner who fails to comply with this Act or the regulations or any by-law passed under this Act, and every person who hinders or obstructs an inspector in the course of his duties or refuses to permit an inspector to carry out his duties under this

Act or the regulations or any by-law passed under this Act, is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$50 for a first offence, and to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days for any subsequent offence. R.S.O. 1960, c. 422, s. 6.

**7.** The Lieutenant Governor in Council may make regula- Regulations  
tions,

- (a) prescribing methods of treatment for warble fly;
  - (b) designating the ingredients to be used and the strength thereof and prescribing the number of treatments that shall be given in a year and the times at which the treatments shall be given;
  - (c) prescribing periods of the year for the purposes of subsection 2 of section 4;
  - (d) designating classes of cattle and exempting such classes from the provisions of the by-laws passed under this Act or a predecessor of this Act;
  - (e) prescribing the methods by which cattle shall be made available for inspection and treatment for warble fly;
  - (f) providing for the instruction of inspectors and prescribing their duties;
  - (g) prescribing the form of inspectors' certificates;
  - (h) providing for the making of grants by the Minister out of the moneys appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under this Act;
  - (i) respecting the control of warble fly in unorganized territory and providing for the payment of the cost thereof;
  - (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 422, s. 7; 1970, c. 16, s. 4.
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